



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appl. No. : 10/722,183  
Appellant : Robert Stanley Kolman, et al.  
Filed : November 24, 2003  
TC/A.U. : 2863  
Examiner : Toan M. Le

Confirmation No. 7018

Docket No. : 10030573-1

Board of Patent Appeals and Interferences  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

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**APPEAL BRIEF**

Dear Sir:

This Appeal Brief is submitted in response to the Examiner's Final Office  
Action dated December 6, 2005.

Appellant filed a Notice of Appeal on January 27, 2006.

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### **Real Party in Interest**

The real party in interest is Agilent Technologies, Inc., a Delaware corporation headquartered in Palo Alto, California.

Appl. No. 10/722,183  
Atty. Docket No. 10030573-1

### **Related Appeals and Interferences**

None.

### **Status of Claims**

Claims 1-20 remain in the Application. Of these, claims 1-7, 10-16, 19 and 20 stand rejected. Claims 8, 9, 17 and 18 stand objected to as being dependent on other rejected claims, but are otherwise allowable.

### **Status of Amendments**

No amendments have been filed since the Final Office Action.

### **Summary of Claimed Subject Matter**

In one embodiment (claim 1), apparatus (FIG. 1) comprises program code (FIG 1, 100; p. 4, lines 2-3) stored on computer readable media (p. 4, line 3). The code comprises: 1) code to define a user interface (106; p. 4, line 7); 2) code to detect invalid test definition data in user input (p. 4, lines 3-4) and, upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data options; said prompting being undertaken through the user interface (FIG. 1, 106)(p. 4, lines 5-7); and 3) code (FIG. 1, 108) to receive a valid data option selected through the user interface, and to update the invalid test definition data with the valid data option (p. 4, lines 7-9).

In another embodiment (claim 14), a computer-based method (FIG. 4, 400) comprises: 1) parsing user input to detect invalid test definition data in the user input (FIG. 4, 410; p. 7, lines 8-9); 2) upon detecting invalid test definition data, prompting a user to select a valid data option from a set of valid data options (FIG. 4, 420; p 7, lines 9-10); 3) upon receiving a valid data option selected from the set of valid data options, updating the invalid test definition data with the valid data option (FIG. 4, 430; lines 12-13); and 4) generating circuit test data structures to control an automated circuit tester (FIG. 4, 440; p. 7, lines 15-16).

In yet another embodiment (claim 19), a computer-based method (FIG. 5, 500) comprises: 1) parsing source code for generating circuit test data structures, to identify type name definitions and enumeration constant definitions contained in said source code (FIG. 5, 510; p. 8, lines 10-14 ); 2) generating a string table from said type name and enumeration constant definitions (FIG. 5, 520; p. 8, lines 12-14); and 3) linking said string table to an input validation and error messaging portion of said source code to i) cause said source code to index said string table upon detection of invalid test definition data in user input, and then ii) cause a set of valid data options retrieved from said string table to be displayed to a user for user selection (FIG. 5, 530; p. 8, lines 14-19).

**Grounds of Rejection to be Reviewed on Appeal**

Whether claims 1-7, 10-16, 19 and 20 should be rejected under 35 U.S.C. 102(e) as being anticipated by Colby et al. (US Pat. No. 6,622,271).



## Argument

**Whether claims 1-7, 10-16, and 19-20 should be rejected under 35 U.S.C. 102(e) as being anticipated by Colby et al. (US Pat. No. 6,622,271; hereinafter, "Colby").**

### **a. Claims 1, 6, 7, 11, 12, 14 and 15**

Appellants' claim 1 recites:

Apparatus, comprising:

- computer readable media; and
- program code, stored on the computer readable media, comprising:
  - code to define a user interface;
  - code to detect invalid test definition data in user input and, upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data options; said prompting being undertaken through the user interface; and
  - code to receive a valid data option selected through the user interface, and to update the invalid test definition data with the valid data option.

With respect to appellants' claim 1, the Examiner asserts that Colby teaches, "code to. . .prompt a user to select a valid data option from a set of valid data options. . .(col. 4, lines 54-67 to col. 5, lines 1-4; col. 11, lines 45-55; col. 12, lines 20-29)". See, 12/6/2005 Final Office Action, p. 1. Appellants respectfully disagree.

Colby teaches, for example:

If a problem is detected [with a test definition], then a warning message is provided to the operator, so that appropriate adjustments can be made to the test definition 73. After any appropriate adjustments are made, the resulting test definition 73 is stored in each of the testers 17 and 18, in particular at 107 and 207, respectively.

Colby, col. 11, lines 52-57.

If any errors are detected, the interpreter program 131 will provide the operator with an identification of those errors. ***The operator has the capability to carry out certain debug functions of a standard type, such as setting breakpoints, dynamically changing the values of variables,*** and so forth. Further, the operator can instruct the interpreter program 131 to make changes to the modified test definition 301, for example to correct errors which were present in the initial test definition 73, or to implement special test conditions to help identify an elusive problem in a particular device 12.

Colby, col. 12, lines 20-29 (emphasis added).

Although the emphasized portions of Colby's teachings indicate that Colby enables a user to dynamically change the value of an incorrect variable, this does not suggest that a user is ***prompted to select a valid data option from a set of valid data options***, as is set forth in appellants' claim 1. Prompting a user to select a valid data option "from a set of valid data options" is not only novel and unobvious over Colby's teachings, but it is especially useful because, as noted in appellants' specification, "Discerning the type of data that must be supplied to "cure" [an] error can be a laborious and time-consuming task." See, appellants' specification, p. 2, lines 1-2.

At most, Colby only teaches "allowing" or "enabling" a user to input valid data. Colby does not teach prompting a user to select a valid data option "from a set of valid data options."

Appellants' claim 1 is believed to be allowable for at least the above reason. Appellants' claims 6, 7, 11 and 12 are believed to be allowable at least for the reason that they depend from appellants' claim 1. Appellants' claim 14 is believed to be allowable for reasons similar to why claim 1 is believed to be allowable. Appellants' claim 15 is believed to be allowable at least for the reason that it depends from appellants' claim 14.

**b. Claims 2-5 and 16**

Appellants' claims 2-5 are believed to be allowable over Colby because they depend from claim 1, and for the additional reason set forth below. Similarly, appellants' claim 16 is believed to be allowable over Colby because it depends from claim 14, and for the additional reason set forth below.

Appellants' claim 2, from which claims 3-5 depend, recites:

The apparatus of claim 1, wherein the program code further comprises code to compile the set of valid data options based on a context of the invalid test definition data.

With respect to appellants' claim 2, the Examiner asserts that Colby teaches, "code to compile the set of valid data options based on a context of the invalid test definition data" in col. 5, lines 44-48; and in FIG. 1B. See, 12/6/2005 Final Office Action, p. 2. Appellants respectfully disagree.

All that Colby discloses in col. 5, lines 44-48, is "a compiler 123, which is capable of compiling source code defining a desired test into executable object code which can interface directly with the hardware drivers 122." This is just a standard source code compiler, and is very different from the sort of compilation recited in appellants' claim, wherein invalid test definition data is detected in user input and, upon detection of invalid test definition data, a user is prompted to select a valid data option from a set of valid data options that are compiled based on the context of the invalid test definition data.

**c. Claim 10**

Claim 10 is believed to be allowable over Colby because it depends from claim 1, and for the additional reason set forth below.

Appellants' claim 10 recites:

The apparatus of claim 1, wherein the user interface comprises code to configure how the set of valid data options is displayed through the user interface.

With respect to appellants' claim 10, the Examiner asserts that Colby teaches, "code to configure how [a] set of valid data options is displayed through [a] user interface", to "prompt a user to select a valid data option from [the] set", in col. 11, lines 5-25; and in FIGS. 4-5. See, 12/6/2005 Final Office Action, p. 2. Appellants respectfully disagree.

Colby's FIGS. 4-5 merely show diagrammatic views of various arrays of information, and do not show a set of valid data options that "is displayed through [a] user interface". Nor do Colby's FIGS. 4-5 show how any set of valid data options is ***configured for display***.

Colby's disclosure in col. 11, lines 5-25, indicates that the arrays of information shown in FIGS. 4-5 are used to control hardware drivers of a test interface. Again, there is no mention of a "set of valid data options" being displayed; and there is no mention of how such a set might be configured for display.

**d. Claim 13**

Claim 13 is believed to be allowable over Colby because it depends from claim 1, and for the additional reason set forth below.

Appellants' claim 13 recites:

The apparatus of claim 1, wherein the set of valid data options comprises a single valid data option that is replaceable by the user.

With respect to appellants' claim 13, the Examiner asserts that Colby teaches its limitations in col. 8, line 60 - col. 9, line 10. See, 12/6/2005 Final Office Action, p. 2. Appellants respectfully disagree. The excerpt of Colby cited by the Examiner contains no mention of "a single valid data option that is replaceable by [a] user." In fact, the excerpt of Colby cited by the Examiner does not appear to have any relation to user-prompting or the display of a "valid data option".

**e. Claims 19-20**

Appellants' claims 19 and 20 are believed to be allowable for reasons similar to why claim 1 is believed to be allowable, and for the reason that Colby does not teach "...and then ii) caus[ing] a set of valid data options retrieved from said string table to be displayed to a user for user selection." Similarly to Colby's failure to teach "prompting" a user with valid data options, Colby also fails to "display" valid data options for user selection.

Appellants' claim 20 is believed to be allowable at least for the reason that it depends from appellants' claim 19.

### **Conclusion**

In summary, the art of record does not teach nor suggest the subject matter of appellants' claims 1-7, 10-16, 19 and 20. These claims are therefore believed to be allowable and, accordingly, appellants respectfully request the issuance of a Notice of Allowance.

Respectfully submitted,  
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## Claims Appendix

1. Apparatus, comprising:

computer readable media; and

program code, stored on the computer readable media, comprising:

code to define a user interface;

code to detect invalid test definition data in user input and, upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data options; said prompting being undertaken through the user interface; and

code to receive a valid data option selected through the user interface, and to update the invalid test definition data with the valid data option.

2. The apparatus of claim 1, wherein the program code further comprises code to compile the set of valid data options based on a context of the invalid test definition data.

3. The apparatus of claim 2, wherein the program code to compile the set of valid data options uses the context of the invalid test definition data to index a table of valid data options.

4. The apparatus of claim 3, wherein the program code further comprises code to parse the user input and log valid data options into said table.

5. The apparatus of claim 2, wherein said context comprises a data type.

6. The apparatus of claim 1, wherein at least some of said user input is received through said user interface.

7. The apparatus of claim 1, wherein at least some of said user input is contained in a test definition file.

8. The apparatus of claim 1, wherein the code that prompts a user to select a valid data option causes the set of valid data options to be displayed through the user interface in alphabetical order.

9. The apparatus of claim 1, wherein the code that prompts a user to select a valid data option causes the set of valid data options to be displayed through the user interface in order of highest likelihood of correctness.

10. The apparatus of claim 1, wherein the user interface comprises code to configure how the set of valid data options is displayed through the user interface.

11. The apparatus of claim 1, wherein the user interface comprises code to define an input area to receive a specification for invalid test definition data that has been detected as invalid because it lacks a specification to make it valid.

12. The apparatus of claim 11, wherein said input area to receive a specification for invalid test definition data is configured to receive a data type.

13. The apparatus of claim 1, wherein the set of valid data options comprises a single valid data option that is replaceable by the user.

14. A computer-based method, comprising:

- parsing user input to detect invalid test definition data in the user input;
- upon detecting invalid test definition data, prompting a user to select a valid data option from a set of valid data options;
- upon receiving a valid data option selected from the set of valid data options, updating the invalid test definition data with the valid data option; and



generating circuit test data structures to control an automated circuit tester.

15. The method of claim 14, wherein parsing user input comprises parsing a test definition file.

16. The method of claim 14, further comprising compiling the set of valid data options based on a context of the invalid data.

17. The method of claim 14, wherein the set of valid data options is displayed to the user in alphabetical order.

18. The method of claim 14, wherein the set of valid data options is displayed to the user in order of highest likelihood of correctness.

19. A computer-based method, comprising:

parsing source code for generating circuit test data structures, to identify type name definitions and enumeration constant definitions contained in said source code;

generating a string table from said type name and enumeration constant definitions; and

linking said string table to an input validation and error messaging portion of said source code to i) cause said source code to index said string table upon detection of invalid test definition data in user input, and then ii) cause a set of valid data options retrieved from said string table to be displayed to a user for user selection.

20. The method of claim 19, wherein said index into said string table comprises a context of said invalid test definition data.

## **Evidence Appendix**

No extrinsic evidence has been entered and relied upon in this appeal.

### **Related Proceedings Appendix**

There are no related proceedings in any court or before the Board.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert Stanley Kolman, et al.

Serial No.: 10/722,183

Examiner: Toan M. LE

Filing Date: November 24, 2003

Group Art Unit: 2863

Title: METHOD AND APPARATUS FOR DETECTING AND CORRECTING INVALID TEST DEFINITION DATA

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 27, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) **\$500.00**.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(5)) for the total number of months checked below:

- |                          |              |           |
|--------------------------|--------------|-----------|
| <input type="checkbox"/> | one month    | \$ 120.00 |
| <input type="checkbox"/> | two months   | \$ 450.00 |
| <input type="checkbox"/> | three months | \$1020.00 |
| <input type="checkbox"/> | four months  | \$1590.00 |

☐ The extension fee has already been filled in this application.

☒ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-1078** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: March 27, 2006 OR

☐ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

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Respectfully submitted,

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By

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